

Senate Bill 1

By: Senators Johnson of the 1st, Williams of the 19th, Hamrick of the 30th and Wiles of the 37th

AS PASSED

AN ACT

To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, so as to repeal certain provisions relating to residency and employment restrictions for certain sexual offenders; to change a definition; to provide for restrictions on where sexual offenders and sexually dangerous predators may reside, work, volunteer, or loiter; to provide for restrictions on photographing a minor under certain circumstances; to provide for definitions; to provide for punishment; to provide for exemptions from certain residency and employment restrictions; to provide for civil causes of action; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, is amended by repealing in its entirety Code Section 42-1-15, relating to the restrictions on registered offenders residing, working, or loitering within certain areas, the penalties for violations, and civil causes of action.

SECTION 2.

Said article is further amended by revising paragraph (3) of subsection (a) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

"(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, school bus stops, public libraries, and public and community swimming pools."

SECTION 3.

Said article is further amended by revising subsection (a) of Code Section 42-1-12, relating to the State Sexual Offender Registry, by adding a new paragraph to read as follows:

"(10.1) 'Day-care center' shall have the same meaning as set forth in paragraph (4) of Code Section 20-1A-2."

SECTION 4.

Said article is further amended by adding a new Code section to read as follows:

"42-1-15.

(a) As used in this Code section, the term:

(1) 'Individual' means a person who is required to register pursuant to Code Section 42-1-12.

(2) 'Minor' means any individual who is under 18 years of age.

(3) 'Photograph' means to take any picture, film or digital photograph, motion picture film, videotape, or similar visual representation or image of a person.

(b) No individual shall reside within 1,000 feet of any child care facility, church, school, or area where minors congregate. Such distance shall be determined by measuring from the outer boundary of the property on which the individual resides to the outer boundary of the property of the child care facility, church, school, or area where minors congregate at their closest points.

(c)(1) No individual shall be employed by or volunteer at any child care facility, school, or church or by or at any business or entity that is located within 1,000 feet of a child care facility, a school, or a church. Such distance shall be determined by measuring from the outer boundary of the property of the location at which such individual is employed or volunteers to the outer boundary of the child care facility, school, or church at their closest points.

(2) No individual who is a sexually dangerous predator shall be employed by or volunteer at any business or entity that is located within 1,000 feet of an area where minors congregate. Such distance shall be determined by measuring from the outer boundary of the property of the location at which the sexually dangerous predator is employed or volunteers to the outer boundary of the area where minors congregate at their closest points.

(d) No individual shall intentionally photograph a minor without the consent of the minor's parent or guardian.

(e) Notwithstanding any ordinance or resolution adopted pursuant to Code Section 16-6-24 or subsection (d) of Code Section 16-11-36, it shall be unlawful for any individual required to register pursuant to Code Section 42-1-12 to loiter, as prohibited by Code Section 16-11-36, at any child care facility, school, or area where minors congregate.

(f)(1) If an individual owns real property and resides on such property and a child care facility, church, school, or area where minors congregate thereafter locates itself within 1,000 feet of such property, or if an individual has established employment at a location and a child care facility, church, or school thereafter locates itself within 1,000 feet of such employment, or if a sexual predator has established employment and an area where minors congregate thereafter locates itself within 1,000 feet of such employment, such individual shall not be guilty of a violation of subsection (b) or (c) of this Code section, as applicable, if such individual successfully complies with subsection (g) of this Code section.

(2) An individual owning real property and residing on such property or being employed within 1,000 feet of a prohibited location, as specified in subsection (b) or (c) of this Code section, shall not be guilty of a violation of this Code section if such individual had established such property ownership or employment prior to July 1, 2006, and such individual successfully complies with subsection (g) of this Code section.

(g) If an individual is notified that he or she is in violation of subsection (b) or (c) of this Code section, and if such individual claims that he or she is exempt from such prohibition pursuant to subsection (f) of this Code section, such individual shall provide sufficient proof demonstrating his or her exemption to the sheriff of the county where the individual is registered within ten days of being notified of any such violation. For purposes of providing proof of residence, the individual may provide a driver's license, government issued identification, or any other documentation evidencing where the individual's habitation is fixed. For purposes of providing proof of property ownership, the individual shall provide a copy of his or her warranty deed, quitclaim deed, or voluntary deed, or other documentation evidencing property ownership. For purposes of providing proof of employment, the individual may provide an Internal Revenue Service Form W-2, a pay check, or a notarized verification of employment from the individual's employer, or other documentation evidencing employment. Such employment documentation shall evidence the location in which such individual actually carries out or performs the functions of his or her job. Documentation provided pursuant to this subsection may be required to be date specific, depending upon the individual's exemption claim.

(h)(1) Any individual who knowingly violates subsection (d) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

(2) Any individual who knowingly violates any other any provision of this Code section, except subsection (d) of this Code section, shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years.

(i) Nothing in this Code section shall create, either directly or indirectly, any civil cause of action against or result in criminal prosecution of any person, firm, corporation, partnership, trust, or association other than an individual required to be registered under Code Section 42-1-12."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.